

CLOSED,INTERPRETER

U.S. District Court
Eastern District of California - Live System (Sacramento)
CRIMINAL DOCKET FOR CASE #: 2:20-mj-00028-KJN-1

Case title: USA v. Kariaka

Date Filed: 02/05/2020

Other court case number: 1:18-cr-00109-TSB-6 Southern
District of Ohio (Cincinnati)

Date Terminated: 02/14/2020

Assigned to: Magistrate Judge Kendall J.
Newman

Defendant (1)

Ievgen Kariaka

TERMINATED: 02/14/2020

also known as

Eugene

TERMINATED: 02/14/2020

represented by **Mia Crager**

Office of the Federal Public Defender

801 I St. 3rd Floor

Sacramento, CA 95814

916-498-5700

Email: mia_crager@fd.org

TERMINATED: 02/06/2020

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Noa Oren

Office Of The Federal Defender

801 I Street, Third Floor

Sacramento, CA 95814

916-498-5700-7222

Email: noa_oren@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints**Disposition**

Rule 5(c)(3)

Plaintiff

USA

represented by **Mira Chernick , GOVT**
 United States Attorney's Office
 501 I Street, Suite 10-100
 Sacramento, CA 95814
 916-554-2767
 Email: mira.chernick@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
02/05/2020		RULE 5(c)(3) ARREST from Southern District of Ohio (Cincinnati). Case 1:18-cr-00109-TSB-6 as to Ievgen Kariaka (1). (Waldrop, A) (Entered: 02/05/2020)
02/05/2020	1	<p>MINUTES (Text Only) for proceedings before Magistrate Judge Kendall J. Newman: INITIAL APPEARANCE in RULE 5(c)(3) PROCEEDINGS as to Ievgen Kariaka held on 2/5/2020. Office of the Federal Defender appointed for defendant. Defendant advised rights and pending charges. Waived formal reading of the Southern District of Ohio Indictment. Defendant waived identity hearing under Rule 5. The Government moved for detention. Defense requested the matter of detention continue. The Court ORDERED the defendant temporarily detained. Detention Hearing set for 2/6/2020 at 02:00 PM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. The Court has been notified that an interpreter is required in this action for Ievgen Kariaka. It is counsel's responsibility to timely notify the Court Staff Interpreter when a hearing requiring an interpreter is scheduled, continued or cancelled. Failure to do so may result in sanctions. See LR 403 - Court Interpreter Services in Criminal Actions</p> <p>Government Counsel: Mira Chernick present. Defense Counsel: Mia Crager</p>

		present. Custody Status: Present and In Custody. Court Reporter: Jonathan Anderson (ECRO). Interpreter: Edward Hairullin, Language: Russian (Waldrop, A) (Entered: 02/05/2020)
02/05/2020	<u>2</u>	SHACKLING MINUTE ORDER issued by Courtroom Deputy Magistrate Judge Kendall J. Newman on 2/5/2020: Pursuant to Local Rule 401, the Court hereby determined that the appropriate restraint level for Ievgen Kariaka is <u>No Restraint</u> (USM # 79001-097). (TEXT ONLY ENTRY) (Waldrop, A) (Entered: 02/05/2020)
02/06/2020	<u>3</u>	MINUTES (Text Only) for proceedings before Magistrate Judge Kendall J. Newman: DETENTION HEARING as to Ievgen Kariaka held on 2/6/2020. Defendant advised rights. The Government moved for detention. Defense requested the matter continue. After hearing from parties, the Court ORDERED the defendant temporarily detained. Detention Hearing CONTINUED to 2/13/2020 at 02:00 PM in Courtroom 24 (CKD) before Magistrate Judge Carolyn K. Delaney.. Government Counsel: Mira Chernick present. Defense Counsel: Noa Oren present. Custody Status: Present and In Custody. Court Reporter: Jonathan Anderson (ECRO). Interpreter: Edward Hairullin, Language: Russian (Waldrop, A) (Entered: 02/06/2020)
02/10/2020	<u>4</u>	MEMORANDUM to Continue the Detention Hearing by Ievgen Kariaka. (Oren, Noa) Modified on 2/11/2020 (Huang, H). (Entered: 02/10/2020)
02/14/2020	<u>5</u>	MINUTES (Text Only) for DETENTION HEARING proceedings as to Ievgen Kariaka held on 2/14/2020 before Magistrate Judge Carolyn K. Delaney. The Government moved for detention. Defense requested the matter be put over for further proceedings. After careful consideration, and for reasons stated on the record, the Court ORDERED the defendant DETAINED and remanded to USM and transported to the Southern District of Ohio, forthwith. Government Counsel: Mira Chernick present. Defense Counsel: Noa Oren present. Custody Status: In Custody. Court Reporter: Tiffany Brown (ECRO). Interpreter: Edward Hairullin, Language: Russian (Kennison, L) (Entered: 02/14/2020)
02/14/2020	<u>6</u>	DETENTION ORDER signed by Magistrate Judge Carolyn K. Delaney on 2/14/2020 as to Ievgen Kariaka. (Coll, A) (Entered: 02/18/2020)
02/14/2020	<u>7</u>	COMMITMENT to ANOTHER DISTRICT signed by Magistrate Judge Carolyn K. Delaney on 2/14/2020 as to Ievgen Kariaka. Defendant committed to Southern District of Ohio. (Coll, A) (Entered: 02/18/2020)
02/18/2020	<u>8</u>	TRANSMITTAL of DOCUMENTS on *2/14/2020* to * Southern District of Ohio* *200 W. Second Street* *Room 712* *Dayton, Ohio 45402*. *Electronic Documents: 1 to 7 * (Coll, A) (Entered: 02/18/2020)

PACER Service Center
Transaction Receipt
03/18/2020 10:00:38

PACER Login:	ud1780:4270431:4267454	Client Code:	
Description:	Docket Report	Search Criteria:	2:20-mj-00028-KJN
Billable Pages:	2	Cost:	0.20

FEDERAL DEFENDER'S OFFICE
EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO

m e m o r a n d u m

Date: February 10, 2020

To: Judy Streeter, Courtroom Deputy to
The Honorable Carolyn K. Delany

From: Noa Oren, Assistant Federal Defender

Subject: U.S. v. Ievgen Kariaka
2:20-mj-00028 KJN

Please move the detention hearing set for 2/13/2020 at 2:00 p.m. to 2/14/2020 at 2:00 p.m. Due to a scheduling conflict, pretrial services officer Allie Mirgain is unable to attend court on 2/13/2020. This date also works with the interpreter, Eduard Hairullin's schedule as well. There is no objection to moving this hearing from Assistant United States Attorney Mira Chernick.

Please contact me if you have any concerns.

NEO/mkb

UNITED STATES DISTRICT COURT

FILED

for the

FEB 14 2020

Eastern District of California

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] 133
DEPUTY CLERK

United States of America

v.

Case No. 2:20-mj-00028 KJN

IEVGEN KARIAKA

Defendant

ORDER OF DETENTION PENDING TRIAL**Part I - Eligibility for Detention**

Upon the

- ☐ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
☒ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- ☐ **A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violator):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
- ☐ (1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
- ☐ (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
 - ☐ (b) an offense for which the maximum sentence is life imprisonment or death; or
 - ☐ (c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
 - ☐ (d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
 - ☐ (e) any felony that is not otherwise a crime of violence but involves:
 - (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);
 - (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; and
- ☐ (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; and
- ☐ (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; and
- ☐ (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

☐ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; or
- ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

☐ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. *(Part III need not be completed.)*

OR

☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- ☐ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☒ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☒ Weight of evidence against the defendant is strong
- ☒ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☒ Lack of stable employment
- ☒ Lack of stable residence
- ☒ Lack of financially responsible sureties
- ☒ Lack of significant community or family ties to this district

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Significant family or other ties outside the United States |
| <input checked="" type="checkbox"/> | Lack of legal status in the United States - <i>possible - unclear</i> |
| <input type="checkbox"/> | Subject to removal or deportation after serving any period of incarceration |
| <input type="checkbox"/> | Prior failure to appear in court as ordered |
| <input type="checkbox"/> | Prior attempt(s) to evade law enforcement |
| <input type="checkbox"/> | Use of alias(es) or false documents |
| <input type="checkbox"/> | Background information unknown or unverified |
| <input type="checkbox"/> | Prior violations of probation, parole, or supervised release |

OTHER REASONS OR FURTHER EXPLANATION:

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: 2/14/2020



Honorable Carolyn K. Delaney, United States Magistrate Judge

FILED

AO 94 (Rev. 8/97) Commitment to Another District

Case 2:20-mj-00028-KJN Document 7 Filed 02/14/20 Page 1 of 1

UNITED STATES DISTRICT COURT				FEB 14 2020	
Eastern District of California				CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA				BY <u>[Signature]</u> COMMITMENT TO ANOTHER	
V.				DISTRICT	
IEVGEN KARIAKA				Case No. *2:20-mj-00028 KJN	
DOCKET NUMBER			MAGISTRATE JUDGE CASE NUMBER		
District of Arrest		District of Offense		District of Arrest	
		1:18-cr-0109 TSB-6		2:20-mj-00028 KJN	
CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN					
<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input type="checkbox"/> Other (specify)					
charging a violation of 18 U.S.C. § 1962(d)					
DISTRICT OF OFFENSE Southern District of Ohio (Cincinnati)					
DESCRIPTION OF CHARGES: Conspiracy to Participate in Racketeering Activity					
CURRENT BOND STATUS:					
<input type="checkbox"/> Bail fixed at \$ and conditions were not met <input type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input checked="" type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify)					
Representation <input type="checkbox"/> Retained Own Counsel <input checked="" type="checkbox"/> Federal Defender Organization <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None					
Interpreter Required? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Language: <u>Russian</u>					
DISTRICT OF CALIFORNIA					
TO: THE UNITED STATES MARSHAL					
You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.					
<u>2/14/2020</u> Date			<u>[Signature]</u> United States Judge or Magistrate Judge		
RETURN					
This commitment was received and executed as follows:					
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT		DATE DEFENDANT COMMITTED	
DATE		UNITED STATES MARSHAL		(BY) DEPUTY MARSHAL	

Case 2:20-mj-00028-KJN Document 8 Filed 02/18/20 Page 1 of 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**OFFICE OF THE CLERK
501 "I" Street
Sacramento, CA 95814**

February 18, 2020

Southern District of Ohio
200 W. Second Street
Room 712
Dayton, Ohio 45402

**RE: USA vs. IEVGEN KARIAKA
USDC No.: 2:20-MJ-00028-KJN**

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated February 14, 2020 ,
transmitted herewith are the following documents:

Electronic Documents: 1 to 7

Documents maintained electronically by the district court are accessible through PACER for the
Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Thank you,

/s/ A. Coll
Deputy Clerk

DATE RECEIVED: _____

RECEIVED BY: _____
(Print Name)

NEW CASE NUMBER: _____